1890-030 Chancery Causes: Squire J. Lockhart &c vs. John Slagle & wife &c
Lee Co.

Eagle, Williams, Childress, Oxford

CA-Estate Dispute
T-Property

To the Hon. H. S. K. Morison, Judge of the Circuit Court of Lee Co.

Humbly complaining your orators Squire J.[1] Lockhart, Emmet Eagle[2] Elizabeth Eagle[3], Putnam Lockhart[4], David W. Lockhart[5], Andrew Lockhart Jr.[6], Chas. Lockhart[7], Dudley Williams[8], F. J. Childress[9], Wm. Oxford[10], and your oratrices [redacted] Oxford[11] who is permitted to sue by Wm. Oxford[11] as her next friend and Lucinda Childress[12] who is also permitted to sue by F. J. Childress as her next friend citizens of said County & State would respectfully represent unto your honor that on or about the day of August, 1889 Andrew Lockhart a citizen of said County & State departed this life intestate seized and possessed of a very large and valuable real estate lying and being in Lee County on ~~the~~ Wallens Creek and a personal estate of about $1000.00. About 500 or 600 acres of said real estate lies on ~~the~~ the north side of Powells Mountain and is very valuable all of which adjoins. There is a a small tract on the south side of ~~the~~ Wallens ridge about 20 to 40 acres that does not adjoin the

the other lands and is only valuable for its timber.

Your orators & oratrices will further show unto your honors that the said Andrew left surviving him a widow Mary A. Lockhart, whom they are advised is entitled to one third of said lands of her said husband in quality & quantity for her natural life. They will also state that the said decedent had twelve children to wit: 1 Squire J., 2 Burnetta who married and is now the wife of Wm Oxford, 3 Putnam, 4 David H., 5 Jane who married and is now the wife of John Slagle, 6 Elizabeth who married and is now the wife of Wm Slagle, 7 Andrew Jr., 8 Ruben S., 9 Lander, 10 Lucinda who married and is now the wife of F. J. Childress, 11 Charles and 12 Minerva who married one Ambrose Eagle

Your orators & oratrices will further show that the said Minerva Eagle departed this life some time before the death of her said father, leaving three children, to wit: Emmet Eagle, Elizabeth Eagle and Nettie Eagle who married and is now the wife of Dudley Williams

Your orators & oratrices will also state that the said Nellie Williams is a minor under the age of 21 years and that John Slagle, Jane Slagle Wm Slagle, Elizabeth Slagle, Reuben S. Lockhart and Leander Lockhart are non-residents of this State.

Your orators and oratrices are advised that the said real estate descended upon the death of the said intestate to the said 12 children and their descendants subject to said widows dower rights therein and that they are entitled in equity to have the same partitioned among those entitled thereto, dividing the same in 12 equal parts in value and assigning one part to each of said living children and one part jointly to the said children of the said Minerva deceased.

Now the object of this bill is to have dower assigned to said widow out of said lands, to have said lands subject to said widows dower rights partitioned among those shown to be entitled thereto, to have a guardian ad litem appointed for said infant and to have an order of publication as the law directs against

said non-resident parties above shown to be interested herein.

Hence the prayer of your orators and oratrices is that John Slagle, James Slagle, Wm. Slagle, Elizabeth Slagle, Ruben S. Lockhart, Leander Lockhart, Nellie Williams and Mary A. Lockhart be made parties defendants to this bill; that they each be required to answer its several allegations on oath; that a guardian ad litem be appointed for the said infant Nellie Williams; that an order of publication be duly made as the law directs against the said non-resident defendants; that commissioners be appointed to assign the said widow dower out of said lands and that the same be partitioned among those shown to be entitled thereto subject to said widows said rights, and that such other and further relief be granted them as equity and good conscience may demand not inconsistent in this cause. And may aforesaid &c. And they will ever pray &c.

E. W. Lemmon
S. J.

	C	22.27
	C. F. L.	5.00
	Dr.	5.00
Cont		191.12
		15.00
		8.81
		$247.20
		$20.60

1 Squire J. Lockhart
2 Putman Lockhart
3 David W. Lockhart
4 Andrew Lockhart Jr
5 Lucinda Childress
6 Burnetta Defro
7 Celia Lockhart
8 Jane Slagle
9 Rebecca Lockhart
10 Leander Lockhart
11 Elizabeth Slagle
the heirs of Margaret
12 Eagle

S. J. Lockhart et al

vs. } Bill in Chan

John Slagle & wife et al

1889, 1st Octo Rules Bill filed
3rd, not 2d Deft alleged non residents, order Pub. & Contd,
" 2d Octo contd for O.P.
" 1st Nov. Rules Contd.
" 2 " " Ans & C. & L. filed & order Pub. Comp. and cause set for hearing by Plaintiffs
1 Dec. Term Decree & cost
1890 Mar. Decree final

Squire J. Lockhart et al. Pltffs
vs
John Slagle et al Defts } In Chy

To the Honorable H. S. K. Morrison
Judge of the Circuit Court for Lee C. Va

The answer of Nettie Williamson Deft in the above styled cause, to a Bill in chy exhibited in Your Honor's Court under the above styled cause, by J. A. G. Hyatt her Guardian ad litem.

For answer this respondent says that he knows no reason why the prayer in the Bill should not be granted — But should any rights of said infants be infringed upon, in any of the proceedings in this cause — Your respondent is aware that Your Honor's ever watchful eye of the rights of infants will detect and correct the same, into whose care said rights are respectfully thrown.

J. A. G. Hyatt G. A. L.

S. J. Lockhart et al
vs
Ans. G. A. L
John Slagle wife et al

Filed 2d Nov. Rules 1889
J. A. Hyatt C

Fee 5 $

S. J. Lockhart et al complts.
vs
John Slagle et al Defts

} In Chancery

This cause came on again to be heard upon the papers formerly read therein, and the written report of partition of Comrs. Carmichael, Lawson and Williams filed March 19th, 1890, & it appearing that said report is unexcepted to, and has been filed more than 10 days before the first day of this term of the court, for reasons appearing to the court, it is adjudged, ordered and decreed that said report be confirmed, and that Mary A. Lockhart, Squire J. Lockhart, Putman Lockhart, David H. Lockhart, Andrew Lockhart Jr, Linda Childress, Bunetta Oxford, Charles Lockhart, Jane Slagle, Ruben S. Lockhart, Leander Lockhart, Elizabeth Slagle, and the three heirs of Minerva Eagle decd. to wit Emmet Eagle, Elizabeth Eagle and Nettie Williams do take and hold the described by metes & bounds in said report and respective lots, assigned to them by said Comrs., as and for their respective interests in the real estate of Andrew Lockhart Sr., decd., and said report and so much of this decree showing the confirmation of the same, is ordered to be transmitted by the Clerk of this court to the Clerk of the County court of said County and there recorded in the proper deed book of said County.

It is further adjudged, ordered and decreed that the Clerk of this court tax up the costs, comis. & atty's. fees &c, fix this suit and that the same be paid ~~out of the personal estate of said deceased by said admis.~~ in equal proportion by said Lockhart's children, and the said children of Minerva Eagle dec'd. and for the collection of which execution may issue, against said parties for each of their due proportion of said costs

And this cause is stricken from the docket.

Order final

vs

John Slagle et al

Entered in Chan. B. R.

287 - J. A. G. Hyatt

c -

Entered this decree April 1 1890.

Hyatt

S. J. Lockhart et al
vs.
John Slagle & uxor et al } In Chan-

This cause came on this day to be heard upon the bill of complts, exhibits filed therewith and the answer of Nettie Williams, infant, by J. A. S. Hyatt her guardian ad litem: On consideration of all which, and it appearing to the court that the resident adult defendants, were duly summoned 15 days before this term of the court, and that the non-resident defendants, against whom an order of publication had been duly published as the law directs, and they failing to appear and answer or plead, said bill of pltffs. is taken as to them for confessed: It is therefore adjudged, ordered and decreed that G. S. Lawson, H. G. Bishop, A. C. Williams, Emmet Larimer and L. M. Carmicle, who are hereby appointed commis. for the purpose, do go upon the land in the bill & proceedings mentioned and lay off and assign a full third ~~thereof~~ ~~[illegible]~~ including the mansion house of decedent ~~thereof~~ for her life, and the residue of said land said commrs will divide into twelve equal

parts in value quality & quantity and assign to each of the following named heirs one of such parts:
(1). Squire J. Lockhart, (2), Burnetta Oxford; (3), Pertina Lockhart; (4), David H. Lockhart, (5), Jane Slagle, (6) Elizabeth Slagle, (7) Andrew Lockhart Jr., (8), Ruben S. Lockhart, (9) Leander Lockhart, 10, Lucinda Childress, 11, Charles Lockhart, and 12, To the heirs of Minerva Eagle, who are Emmet Eagle, Elizabeth Eagle and Nettie Williams. And said commissioners also partition among the said parties the dower assigned to Mary A. Lockhart in the proportion and manner as above indicated in the division of the residue of said lands. And they will report their action to this court at a future term thereof. And this cause is continued.

S. J. Lockhart et al
vs
John Slagle et al

Entered Order
O. B. page 234-8
Dec. 4th 1857
L. C. Hughes

Entered this
Dec. 3rd 1857.
L. C. Hughes

Virginia

At a circuit Court Continued and held for Lee County at VC Decr. 4th 1889,

S. J. Lockhart et al Pltffs
vs } In Chancery
John Slagle et al Defts

It is therefore adjudged ordered and decreed, that G. S. Lawson, W. G. Bishop, A. C. Williams E. B. Larmer and L. M. Carmical who are appointed Commissioners for the purpose, do go upon the lands in the Bill and proceedings mentioned and lay off and assign a full third thereof in rental value to Mary A. Lockhart, for her life including the mansion house of the decedent. And the residue of said land said Commissioners will divide into twelve equal parts in value, quality, quantity water and ways considered, and assign to each of the following named heirs one of such parts Viz (1) Squire J. Lockhart, (2) Burnetta Oxford, (3) Putman Lockhart, (4) David W. Lockhart, (5) Jane Slagle, (6) Elizabeth Slagle (7) Andrew Lockhart, (8) Rubin S. Lockhart, (9) Leander Lockhart, (10) Lucinda Childress (11)

(11) Charles Lockhart and (12) The heirs of Minerva Eagle, who are Emmit Eagle Elizabeth Eagle and Nettie Williams And said Commissioners will also partition among the said parties the dower assigned to Mary A. Lockhart in the proportion and manner as above indicated in the division of the residue of said lands

And they will report their action to this Court at a future term thereof and the Cause is Continued.

A Copy

Teste J. A. G. Hyatt clerk

J. J. Lockhart & Bro
Copy of Decree
Jas Eagle et al

Delivered in office
Copy to L. M. Carnicom
& Jonnalee Copies to be
delivered to the other
Commr. to Dittman
Lockhart
J. A. G. Hyatt

Clerks fee for copies $2.00

Squire J. Lockhart et al
vs
John Slagle & wife & ats.

This day Squire J. Lockhart personally appeared before me and made oath that John Slagle and Jane his wife, Wm. Slagle and Eliza beth his wife, R. S. Lockhart, and Lauralee Lockhart are are now residents of the State of Tex. Given under my hand this the 2" day of Sept., 1889.

John R. Gibson D.C.

D. J. Lockhart et al

vs } affidavit

John Slaglett

Filed Sept 9. 1889

J. A. Lightgatte Clk

A

S. J. Lockhart et al Pltffs.
vs
John Slagle et al Defts.
} In Chy.

Pursuant to an order of the Circuit Court of Lee County Virginia held at the Court house thereof Dec 4th 1889. We the undersigned Commissioners proceeded Feb. 1890 to partition the lands of Andrew Lockhart decd, according to the following Report & Plat. Upon the request of Mary Lockhart, widow of said Andrew Lockhart and seven of the heirs named in sd decree, and advice of attorney whose letter is herewith filed. We omitted laying off and assigning dower, to the said Mary Lockhart, out of the following shares, viz Squire J. Lockhart's Burnetta Ford's Putman Lockhart's, David W. Lockhart's Andrew Lockhart's Jr. Charles Lockhart's & Lucinda Childress'. By written Contract, the said Mary Lockhart agrees to receive in Lieu of said dower a certain annual Cash Payment. and the above heirs agree to make said Payment — The position of the lands and their quality, in most instances necessitated each heir to receive two or more unconnected Lots, one of them south and the other north of Wallens Creek - With due regard to quantity, quality, wood, water & ways we have endeavored to lay off to each heir one twelfth in value of the landed Estate of said Andrew Lockhart decd -

We have laid off and assigned to Squire J. Lockhart Lots No. 5, 22 & 24 - Lot No. 5 is bounded as follows. Beginning at (A) a stake in the middle of Wallens Creek an Iron-wood & beech on the south bank thereof - Corner to Lot No 4, thence up sd Creek N 39° 25' E 2 poles to a stake S 41° 10' E 31 $\frac{94}{100}$

Squire J. Lockhart

poles to a stake & two sycamores C S 15 E 210 poles to a stake, on top of Powells Mountain, & near a small hickory thence with the top of said mountain S. W 16 poles to a stake (East of a large chestnut oak) - Corner to Lot No. 4 &

No. 5.

with line of same N 15° W 236 ½ poles to F a stake 3 $\frac{32}{100}$ poles South of said Iron-wood & beech - Thence Continuing with line of said 4th Lot N 89 ½ E 8, $\frac{90}{}$ poles to B a small sycamore on the South bank of sd creek & with the same 25 poles to stake & two sycamores C - Containing 22 acres be the same more or less A.C.D.E.F.B

J.

Lot No. 22 is bounded as follows to wit -

Lockhart's

Beginning at G a stake about one poles East of an apple tree Corner to Lot No. 12 thence with line of same N 24° 50' W 88 ¼ poles to a stake on the Sword line & with the same N 82 E 36 poles corner to sd Lot No. 21 & with line of same S 23 E 94 poles to K a

No 22.

rock East of a spring also a stake in the middle of Wallens Creek & with the same N 39° 25' E 8 poles S 41° 10' E 33 $\frac{44}{100}$ poles to a stake corner to Lot No 12 & with the same N 40 ¾ E 20 poles to the beginning Containing 24 Acres — A.C.G.H.J.K-A

Lot No 24 is bounded as follows Beginning at (L)
a dogwood Chestnut & sourwood on top of a ridge
corner to Swords land thence N 16° 10' W 16½ poles to a
stake nearly on top of said ridge S 76 E 41 44/100
S. J. L } poles to a stake on the East side of a road
& on a line of Lot No 20 & with said line
S 23° 25' E 17 06/100 poles to a stake on the Swords line
& with the same S 76 W 44 poles to the first
No 24 } station Containing 4 acres be the same
more or less - Represented by L, M, N, O
This Lot also has a right of way to water for
stock on branch ~~situated~~ in Lot 20

We have laid off & assigned to Burnetta
Oxford Lots No 2 & 21 - Lot No 2 is bou
ded as follows - Beginning at P corner
Burnetta } to Lot No 1 a stake on the north original line
Oxfords } known as the Smith line thence with same N 64 E
52½ poles to Q a stake S 15 E 112 poles to a stake
& two small hickories on top of Powells mountain & with
No 2 } the same S W 52 poles to S a rock, Corner
to Lot No 1 & with line of same N 15 W 110
poles to the beginning Containing 34½
Acres be the same more or less - No 21 is
bounded as follows to wit Beginning at T a stake
on the south edge of Wallens Creek - sd stake
No 21 } stands 2 poles East of a hickory in a lane, thence
with original W. line N 10° 35' W 51 32/100 poles to a U

stake in a line thence with lines of Lot No 17 N 3 W 77½ poles to a stake about 5 link East of a poplar S 79 W 34 30/100 poles to a stake by a small black oak in a swag or hollow & corner to Lot No 14. thence with a line of Lot 18 N 1¾ W 18½ poles to a stake, by a large chestnut pointer, Corner to Lot No 19 & with line of same N 79 E 35 28/100 to a stake on a line of Lot No 24 & with same & towards line S 16° 10 E passing chestnut sourwood & dogwood towards corner at 7 poles in all 32 32/100 po to a stake (at J) Corner to Lot No 22 & with the same S 23 E 9.5 poles to K a rock a little East of a spring, thence with the middle of the Creek & the North lines of Lots No 3 & 4 S 39° 25 W 22 36/100 poles S 62° 25 W 15 72/100 poles S 85¾ W 9 60/100 to the beginning - Containing 28½ Acres be the same more or less

No 21.

We have laid off and assigned to Putman Lockhart Lots No 11, 23 & 25 Lot No 11 is bounded as follows - Beginning at (Z) a Lynn on the South bank of Wallens Creek - sd Lynn and original Corner thence down said Creek as it meanders N 77½ W 21 84/100 poles S 45¾ W 37 64/100 poles to (B) thence leaving Creek & with line of Lot No 7 & a road way (to be) S 38¼ E 24 54/100 poles to (C) a stake N 61¾ E 126 poles to D' a stake on original East line & with same N 4 E 60 poles to E' a stake in

Putman Lockhart

No 11.

Wallens Creek & with the same N 70 W 40 $\frac{72}{100}$ poles to a stake S 9 W 33 po. S 41½ W 48 $\frac{68}{100}$ p S 4½ W 21 $\frac{68}{100}$

N° 11. S 86½ W 6 $\frac{96}{100}$ po to the beginning Containing 39 Acres more or less

N°23 is bounded as follows – Beginning at a Lynn & Poplar original Corner thence with original line N 40¼ W 65 poles to a beech original corner but now gone – S 5 3 W 2 poles to I' a stake S 37 E 126¼ poles to J' a stake & on top of Powells mountain & about 5 links East of a small white

N° 23. Walnut thence with said top N 60¼ E 34 $\frac{80}{100}$ poles to K' a rock maple & service Siberts Corner & with his lines N 16 W 53 poles to a stake & mulberry S 64½ W 49¼ poles to a lynn & poplar the beginning Containing 17½ acres more or less

N°25 is a lot on top of wallens ridge. dis Connected from the main lands & about one mile therefrom. on the public road from Rollers Chapel to Potteets Ford, adjoining

N° 25 the lands of Andrew Roller & others & bounded as follows – Beginning at 7 a Locust, on top of Wallens ridge Corner to the Sword lands thence with the top N 59 E 26 poles N 88½ W 20 poles South 85 poles to a stake on the original South line & with the same N 78¾ E 56 poles to a stake Swords Corner & with their lines N 21¾ W 24 $\frac{72}{100}$ poles to 12 a stake in sd road

N 4 E 20 $\frac{76}{100}$ poles N 14 $\frac{3}{4}$ W 5 $\frac{60}{100}$ poles to 7 the beginning - Containing 21 $\frac{1}{2}$ acres be the same more or less - See Plat

We have laid off and assigned to David W. Lockhart Lots No. 9 & 17 - Lot No 9 is bounded as follows - Beginning at (M') Corner to Lot No. 8 a stake on the South line of No. 11 thence with said line N 61 $\frac{3}{4}$ E 40 poles to a stake (at N) S 15 E 180 poles to a (O') stake, hickory & black-oak pointer on top of Powells Mountain thence with the top of some S W 39 poles to P' a stake & Chestnut pointer, Corner to Lot No. 8 & with line of some N 15 W 170 poles to M the beginning Containing 43 acres be the same more or less

David W Lockhart

No 9

Lot No. 17 is bounded as follows to wit - Beginning at (Q') a stake in a branch & on the original South line, it being the H. Smith line & with the same N 74 $\frac{1}{2}$ E 36 $\frac{34}{100}$ poles to U a stake & corner to Lot No. 21 - N 3 W 77 $\frac{1}{2}$ poles to a stake about 5 links East of a Poplar - (V) S 79 W 62 $\frac{30}{100}$ poles to (R') a stake in a branch thence down said branch S 27 E 20 $\frac{88}{100}$ poles S 21 $\frac{3}{4}$ E 48 $\frac{32}{100}$ poles S 17 E 15 $\frac{12}{100}$ poles to Q the beginning Containing 24 acres be the same more or less -

a stake

No 17

We have laid off and assigned to Jane Slogle Lots No. 4 & 14 - The metes & bounds of Lot No. 4 is as follows - Beginning at S a large elm on the south bank of Wallens creek corner to Lot No. 3 thence up & with said creek N 39° 25' E 28 11/100 poles to a a stake

Jane Slogle No 4

N 41 1/10 E 8 poles to B a small sycamore on the south bank of said Creek - same corner called for in Lot No 3 S 89½ W 8 80/100 poles to F S 15 E 236½ poles to D a stake - east of a large Chestnut-oak & on top of Powells mountain thence with said top S. W. 16½ poles to a stake & two small hickories corner to Lot No. 2 & with line of same N 15 W 110 poles to a stake corner to said Lot & with north line of same S 64 W 11½ poles to T a stake corner to Lot No. 3 & with line of same N 12 W 114 poles to the first station containing 30 acres be the same more or less

See on Plat No

We except from this assignment whatever is covered by Grave Yard - hereafter to be described - Lot No. 14 is bounded as follows

No 14

Beginning at a poplar & white-oak, (U) original corner, thence N 40 E 8 poles to (V) a stake on the lower side of a haul-road, thence S 24 E 30 poles to (W) a stake in a hollow corner to Lot 21 & on a line of Lot 17 & with same

& with line of Lot 15 S 79 W 96 poles to W a stake on the original West line & with same N 3½ E 51 poles to X a black-gum original corner thence continuing with original line N 59½ E 45½ poles to Y a stake & buckeye thence S 39¼ E 47 84/100 poles to U the beginning Containing 25 acres more or less -

Elisabeth Slagle No 8.

We have laid off and assigned to Elisabeth Slagle Lots No 8 & 16 - Lot No 8 is bounded as follows - Beginning at (A) a stake Corner to Lot 7 & on a line of Lot 11 & with it N 61¾ E 38½ poles to (M) a stake Corner to No 11 & 9 S 15 E 170 poles to (P) a stake with chestnut-oak pointer on top of Powells mountain & with the top of same S W 38 poles to a chestnut oak corner to Lot No 7 & with line of same N 15 W 165 poles to (A) the first Station - Containing 38 acres more or less

No 16.

The metes and bounds of No 16 is as follows BEGINNING at (a) a stake in a branch, and on the original Smith line, & Corner to Lot 17 & with lines of same N 17 W 18 12/100 poles to ( ) stake N 21¾ W 36 20/100 poles to (B) a stake Corner to No 15 & with line of same S 7 W 49 92/100 poles to C a stake S 27¼ E 56 poles to E a stake on the original Smith line & with the same N 74½ E 40 86/100 poles to the beginning Containing 15½ acres be the same more or less

We have laid off & assigned to Andrew Lockhart Jr. Lots No 10 & 20. The metes & bounds of No 10 are as follows-

Andrew Lockhart Jr. No 10

Beginning at (N) a stake Corner to Lot No 9 & on the south line of No 11 - thence with line of 9th Lot S 15 E 180 poles to (O) a stake with hickory & black-oak pointers & on top of Powells Mountain thence leaving said line and with the top N E 74 poles to I a stake about 5 links East of a small black-walnut Corner to Lot No 23 & with two lines of same N 37 W 126¼ poles to a stake N 5 E 2 poles to I a beech now gone original Corner thence with original line N 46 E 54 64/100 poles to a stake corner to Lot No 11 & with line of same S 61¾ W 43½ poles to the beginning Containing 46 acres more or less

No 20 is bounded as follows to wit Beginning at (F) a stake in public road & with the same S 2½ E 19¼ poles S 33 E 37.82/100 S 23 & 25 28/100 poles to (O) a stake on the sword line & ~~between road~~ & branch - as this last line does not follow the road - thence with said sword line N 76 & 41 poles to a stake by a dogwood & on the original East line & with the same N 30¼ W 58 20/100 poles to (I) a poplar stump & a double

No 20

dogwood original Corner thence Contin
uing with original lines S 5° 7¾ W 18 (84/100 poles
to a white oak stump N 47¼ W 37 (46/100 po
to the first Station Containing 15¼ Acres
be the same more or less
In this Assignment we Except water
right for stock for the benefit of Lot
No

We have assigned to Rubin S Lockhart
Lots No 6 & 15. The metes & bounds of Lot
No 6 are as follows - Beginning at (C)
a stake in Wallens Creek - a rock two sye-
a mores & a buckeye Corner to Lot No 5
thence with creek S 41° 10 E 1½ poles to (5) a stake
S 73½ E 21 poles to K a stake in creek & a stake
1½ links West of 2 small seycamores on
the south bank of said Creek thence S 15 E
195 poles to a stake on top of Powells Mountain
& with the same S W 19 poles to D a stake &
small hickory pointer Corner to Lot No 5
& with the same N 15 W 205 poles to the
beginning Containing 24 Acres be the same
more or less - See Plat

No 15 is bounded as follows

Rubin S Lockhart No 15

Beginning at (R) a stake on a branch & on a line of No 14 & Corner to No 17 thence down said branch S 27 E 20 $\frac{88}{100}$ p S 21¾ E 7 $\frac{12}{100}$ poles to B a stake Corner to Lot 16 & with line thereof S 79 W 49 $\frac{20}{100}$ poles to a stake (C) S 27¼ E 9 poles to M a stake Corner to Lot 13 & with line of same S 74 W 39 $\frac{54}{100}$ poles to N a stake on the original line & with the same N 3½ E 45 poles to W a stake Corner to Lot 14 & with line of same N 79 E 68 poles to R the first station Containing 15 Acres more or less

Leander Lockhart No 7

We have laid off & assigned to Leander Lockhart Lots No 7 & 18 - No 7 is bounded as follows - Beginning at (K) a stake in Creek & a stake 11½ links South of two small sycamores on the south bank of said Wallens Creek - Said stake a Corner to Lot No 6 thence up & with the Creek S 73½ E 16 $\frac{84}{100}$ poles - thence leaving Creek & with a proposed road for the use of Lots No 7.8.9.10 & 11 S 38¼ E 24 $\frac{54}{100}$ poles N 61¾ E 3 poles to (A) a stake thence lines of No 11. S 15 E 165 poles to a Chestnut-oak on top of Powells Mountain & with the same S W 25 poles to a stake - Corner to Lot 6 & with line of same N 15 W 195 poles to the first

Station - Containing 32 acres be the same more or less

Leander Lockhart No 18

No 18 is bounded as follows to wit - Beginning at (O") a chest-oak & hickory on top of Willows ridge Corner to Elisha Swords land thence with his lines S 24° 57' E 114 $\frac{46}{100}$ poles to P" a stake 1 poles from a poplar thence S W about 13½ poles so as to include a certain spring for which this offset was originally made, thence S 24° 57' E 1 poles to (Q") - N E about 13½ poles to said poplar - thence continuing with original west line - S 24 E 100 poles to W a stake, - below a haul-road - on a line of Lot No 17 & Corner to No 14 & 21 thence N 1¾ W 86½ poles to R" a stake Corner to Preston Swords land & with line of same N 40¾ W 40 $\frac{24}{100}$ poles to S" a rock N 30½ W 100¾ poles to T" a stake & dogwood on top of sd ridge & with the same S 60 W 19 $\frac{08}{100}$ poles to O" the beginning Containing 30 acres more or less -

Charles Lockhart No 1

We have laid off and assigned to Charles Lockhart Lots No 1 & 13 - The metes & bounds of No 1 is as follows - Beginning at (U") a beech, original west corner, & on the Harry

Smith line - thence with the same S 64 E 52½ poles to P a stake S 15 E 110 poles to a rock & two chestnut-oak pointers on top of Powells Mountain & with the same S W 52 poles to S two chestnut-oaks - original

No 1 Corner - thence with original line N 15 W 100 poles to the first station containing 33 acres be the same more or less - we also assign to this lot a road way 12 feet broad along the north line of Lot No 2 to the S.W. Corner of Lot No 3 thence with the west line of said Lot 8 (eight) feet wide to the north line of said Lot

Lot No 13 is bounded as follows - Beginning at D'' a beech on the west side of branch thence with swords line S 39½ E 22 $\frac{70}{100}$ poles to E'' a stake on the west side of said branch & on the Taylor line & with the same N 55 E 3¼ poles to F'' a stake thence leaving said line & continuing with Swords line S 41¾ E 18¾ poles to G'' a stake on the Smith line & with the same N 74½ E 59½ poles to E'' a stake N 27½ W 47 poles to M'' a stake S 74 W 39 $\frac{54}{100}$ poles to N'' a stake on the Sword line & with the same S 3¼ W 3 $\frac{20}{100}$ poles to an oak stump original corner

Charles Lockhart

No 13.

thence S 63¾ W 30 60/100 poles to the beginning -
Containing 18 Acres be the same more or less
We assign to this lot
A right of way for stock water through
Lot 16 to branch, the Eastern line of
said Lot

Heirs of Minerva Eagle No 3

We assign to the Heirs of Minerva
Eagle viz Emmet Eagle, Elisabeth Eagle
and Nettie Williams, Lots No 3 & 19
The metes & bounds of No 3 are as fol-
lows Beginning at S' a large Elm
on the South bank of Wallens Creek
thence S 12 E 115 poles to T' a stake on the
north line Lot No 2 & with same S 64 W
29½ poles to W' a stake on the original
west line - being a conditional line betw-
een Andrew Lochart & Sword thence
with said line N 12 W 118 poles to a hick-
ory on the South bank of said Creek
& with the same N 85¾ E 11 60/100 poles N 62° 25'
E 15 72/100 N 39° 25' E 2¼ poles to S' the begin-
ning - Containing 21 Acres be the same
more or less.
In making this assignment we except what
will be covered by Grave yard - hereafter to be
described

No 19 is bounded as follows - Beginning at F" a stake on original East line & in Public road & with the same & lines of No 20 S 2½ E 19¼ poles S 33 E 37 $\frac{82}{100}$ poles S 23° 25' E 8 $\frac{22}{100}$ poles to N stake Corner to Lot No 24 & with line of same S 76 W 41 $\frac{44}{100}$ poles to M a stake nearly on top of a ridge S 16° 10' E 9½ poles to Y a stake Corner to No 21 & with line of same S 79 W 35 $\frac{28}{100}$ poles to X a stake near a large Chestnut Sprouter on line of No 18 & with the same N 1¾ W 68 poles to R" a stake Corner to the Bref. Sword land & with line of same N 54½ E 48½ poles to a stake in a lane - original Corner & thence with original line S 47½ E 15 $\frac{22}{100}$ poles to F" a stake in road - The first station Containing 28 Acres be the same more or less

Heirs of Minerva Eagle

No 19

We have laid off & assigned to Lucinda Childress Lot No 12 which is bounded as follows - Beginning at G a stake about 1 pole East of an apple tree thence N 24° 50 W 88 $\frac{28}{100}$ poles to H a stake in the middle of road & on the Sword line & with the same N 83 E 55 poles to N" a black-oak on the original line thence with the same S 10 E 35

Lucinda Childress

No 12

poles to B'' a dogwood (now gone) original corner - S 15 E 84 poles to C'' a white oak stump original Corner & on the north bank of Wallens Creek thence with the same S 45 1/4 W 20 poles N 73 1/2 W 35 poles to a stake at the mouth of a branch thence with line of No 22. N 40 3/4 E 16 poles to the beginning Containing 34 Acres more or less

By request of the heirs We have excepted from this partition a Grave yard - Bounded as follows Beginning at S' a large Elm on the south bank of Wallens Creek corner to No 3 & 4 & with line thereof S 12 E 10 poles to (1) N 78 E 4 68/100 po. to (2) S 18 E 6 po. to (3) S 78 W 6 po. to (4) N 18 W 6 po to (5) N 78 E 1,32/100 po to (1) Containing 35.89 poles more or less. And to this yard we assign a right of way along the line from S' to 1.

We have assigned Dower on No 3 - Beginning at X'' a hickory on the south side of Wallens Creek corner to sd Lot & with line of same S 12 E 29 64/100 poles to (H''') a stake N 74 1/4 E 28 80/100 po. to (I''') a stake on the East line of sd Lot & with same N 12 W 30 58/100 to (8') a large Elm on Creek & with the same to the beginning Containing 5 acres more or less

We have assigned Dower on No 4 Begin-
ning on a large Elm Corner to 3 & 4 &
with line thereof S 12 E 30 $\frac{58}{100}$ poles to (I''') a
stake S.E corner to Dower on No 3 thence
N 74¼ E 23½ poles to (J''') a stake on the East
line of Lot No. 4 & with lines thereof
to B Wallens Creek & with said Creek to
the beginning Containing 5½ acres
more or less - We assign a right of way, or
privilege of wagon passing, to & from No 4 -

We assign Dower on 6 bounded as follows
Beginning at (J'') a stake & a rock & two sy-
amores - Corner to Lot No 5 & with line of
same S 15 E 78 poles to (K''') a stake thence
N 82½ E 20 poles to (L''') a stake on the East line
of No. 7 & with the same N 15 W 65 poles to
Creek & with the same to the beginning
Containing 9 acres more or less

We assign Dower on Lot 7 bounded as follows
Beginning at (L''') stake on line of No 7 &
S. E. Corner of Dower on No 6 thence N 82½ E
26 poles to (M''') a stake on the West line of
No 8 & with line of same N 15 W 39 poles to
A'' Corner to sd No 7 & 8 & on a line of Lot
No 11 & with lines of same to Wallens Creek
& with the same to K'' the N.W. Corner of said

N 15 E poles to L'''' the beginning Containing 9½ acres more or Less

We have assigned Dower on Lot No 8 bounded as follows. Beginning at M''' a stake on West line of sd Lot & S. E Corner of Dower on No. 7 thence N 82½ E 38 poles to N'' a stake on the East line of said Lot No. 8 & with the same N 15 W 52 poles to (N') a stake on the south line of No 11 & with line of same S 61½ W 38½ poles to (A²) N.W Corner of Lot No 8 & with line of same S 15 E 39 poles to M''' the beginning Containing 10½ Acres more or less. We assign timber for fences off of the accompanying ridge lots that go with these 5 dower lots. or if here more convenient off of the Mountain lot

In making the three last-named assignments of Dower, We except a right of Way for Wagons passing through Dower on No. 6 for the benefit of the remaining portion of No. 6

For the benefit of No 10, 9, 8, 7, 6 & 11 We except a wagon road way. Beginning at (N') the N. W. Corner of Lot No 10 thence through No 9, 8 & 7 and along the line of No. 11 & North line of No. 7 to (K') or a convenient crossing of the Creek near K'' —

Furthermore in making these assignments we assign to each & every Lot, without specializing any particular lot, a right to use for household purposes, the waters of any spring upon any adjacent or non-adjacent Lot, if said spring be better water or more Convenient to the dwelling house of the party who Chooses to use said waters -

All fences near & running nearly in the direction of any partition lines shall be moved upon the lines for a line fence -

We assign to Leander Lockhart a Certain stable that stand upon Lot No. 12 said stable to be removed within one year - If not to revert back to said Lot No 12 -

Near the Corner (I), are a Considerable number of new made rails in a ricks, one half of which we assign to Andrew Lockhart, one fourth of them to Putman Lockhart & the remaining fourth to David W Lockhart.

Virginia Lee county to wit:-

In the office of the clerk of the said county the 24th day of September 1890 the foregoing report, Plat and decrees were this day filed in this office and admitted to record.

Test John R. Gibson Clerk

Costs Lockhart et al vs Costs Report of Partition

Filed March 19th 1890. J. R. Hyatt clk

Recorded Book 25 P. 5-1994 J. R. Gibson clk

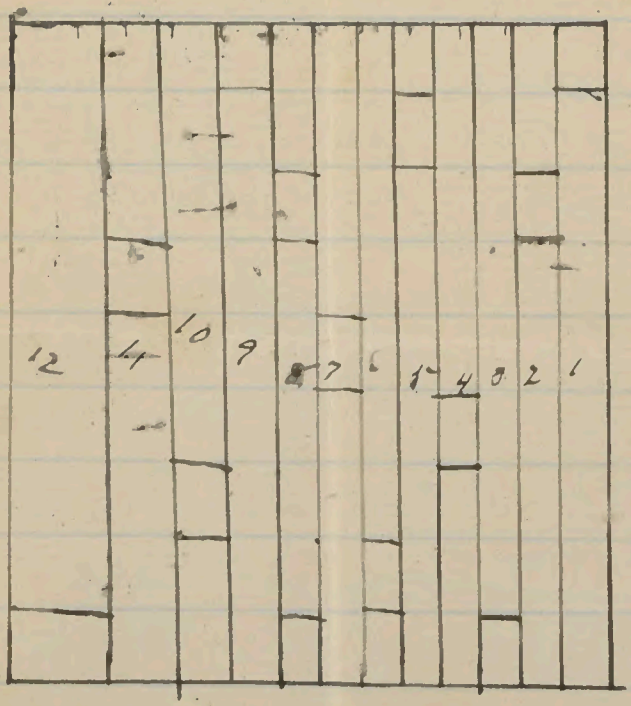
Costs fee $191.12½

Respect Submitted

G. S. Lawson
A. C. Williams } Com.
L. M. Carmical

Commissioners

L. M. Carmical, sur		$ 75.00
Lawson 11 days	- - -	22.00
A. C. Williams " "	- - -	22.00
Chainmen		
Sym g. Lockhart 13 days		
Andrew Lockhart 13 "		13.00
Axmen & Tagmen		13.00
Burnetta Oxford - - 10½ "	- - - - - -	7.87½
Putman Lockhart - - 13 "	- - - - - -	9.75
D.W. " - - † 11½ "	- - - - - -	8.62½
Charles Lockhart - - 12½ "	- - - - - -	9.37½
F.J. Childress - - 14 days " "	- - - - - -	$ 10.50
	Total	$ 191.12½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E. W. PENNINGTON,
Attorney-at-Law,
ABSTRACTER OF TITLES,
AND
Real Estate Agent.

Collections a Specialty.

Prompt attention given to business.

REFERENCES.
POWEL'S VALLEY BANK, Jonesville, Va.
JNO. R. GIBSON, Clerk of Lee Co. Court, Jonesville, Va.
CAPT. C. E. BAYLOR, Merchant, Boon's Path, Va.
PROF. JOHN B. MINOR, University of Virginia, Va.
CONE, SHIELDS & CO., Grocers, Knoxville, Tenn.
HON. C. F. FLANARY, Wise C. H., Va.
J. A. G. HYATT, Circuit Court Clerk, Jonesville, Va.

Jonesville, Va., Feb 20, 1890

Miss - Comm - in Lockhart Case;

Hulo:-

The widow is always entitled to have her dower out of her husbands estate assigned her including the dwelling house and out of her husbands home lands, where he has more than one farm, if that be sufficient to give her one-third in rental value of her husband's lands - and if not sufficient, then the residue out of other lands. Thus you see it is not indispensible that widow's dower must be in a body - or connected. But in answer to your specific question "Is it legal to partition a farm subject to dower, and not lay off the dower in a body, or nearly so, or in other words and according to precedent would it be legal to divide this farm into two equal parts, allot & assign this parts, then lay off upon each

one of them a dower - or one third in rental value thereof, although these parts or dowers will be necessarily disconnected, although before this partition the dower might have been advantageously laid off in a connected whole". I answer, if dower can be assigned in a body ~~this~~ and without injury to others interested, it is not "in accordance with precedents" to lay off ~~it~~ dower in several parts. But if the lands are in such a shape that this cannot conveniently be done, then the Court can assign dower in disconnected parts - they are master of the situation. You can cut that farm in 12 shares, assign them, and then assign dower out of each share to the widow, and ~~in~~ such a place on each particular share, so that when dower is assigned out of each share, none of the dower interests connect - if the widow consents. She would be the injured party, if such an arrangement was injurious to any one, for each share, must in law, bear an equal burden of the dowerness - See my diagram - The smaller squares represent dower interests in each share. Now if the widow is willing to have dower assigned her in disconnected parts, so that each hires part

E. W. PENNINGTON,
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J. A. G. HYATT, Circuit Court Clerk, Jonesville, Va.

Jonesville, Va., _____, 189

bear an equal burden, the courts can do so, showing in their report that such an arrangement was by the consent of the widow and that such an arrangement is not prejudicial to each heirs particular part - or that the widows interest ~~in~~ each share, does one share no more injury than, on another. I notice by reference to the decree that 24 shares or lots are indicated. Now if the Court's find an examination such is impracticable and injurious to the several interested parties, it is their duty to partition the land in a different way, in their report stating their reasons for so doing. If courts do vary from the letter of the decree under which they are acting, then they are guilty of nothing.

Perhaps if you all can not dispose of this matter in a proper

way, it would be well enough for you all to adjourn your proceedings until after circuit Court, at which time another decree can be entered. This latter you can all advise with each other.

Yours truly
E. W. Pennington

File this letter with your report

Letter to Commrs by Attorney

Heirs of Andrew Lockhart.

1 Squire J. Lockhart Plaintiff

2 Manervia who married Ambrose Eagle she is now dead leaving Emmett, Plaintiff, Elizabeth, Plaintiff, and Etta who married Dudley Hilliams Plaintiff, she is under age.

3 Burkette married Wm Oxford Plaintiff

4 Dittman Lockhart Plaintiff

5 David W. Lockhart Plaintiff

6 Jane married John Slagle now in Mo.

7 Elizabeth married Wm Slagle now in Mo.

8 Andrew Lockhart Plaintiff

9 R. S. Lockhart non-resident

10 Leander Lockhart do

11 Lucinda married F. Jeff-Childress Plaintiffs

12 Charity Lockhart. Plaintiff

Widow Mary A.

Personal property $1000 est-

A. C. Williams atty

all his land join and contain about 500 acres, another tract of 60 acres known as the Wm. Rouchet land and 40 acres of the same sold T. Roller does not adjoin. Decedent did not owe any debts much.

Menno.

Filed on Exhibit
Stonebraker vs Stonebraker
Omaha County - Justice

G. S. Lawson
H. George Bishop
A. C. Williams
L. M. Carmichael
Emmet Lanier

} Cumro for

VIRGINIA:—In the Clerk's Office of the Circuit Court of the County of Lee on 16th day of September 1889.

Squire J. L. Lockhart and others, Plffs.

against

John Slagle and others, Defts.

In Chancery.

The object of this suit is to partition the lands owned by Andrew Lockhart at the time of his death among those entittled thereto. And an affidavit having been made and filed that the defendants John Slagle, Jane Slagle, Wm. Slagle, Elizabeth Slagle, Ruben S. Lockhart, and Leander Lockhart non residents of the State of Virginia, is ordered that they do appear here within fifteen days after due publication hereof, and do what may be necessary to protect their interests in this suit. And it is further ordered that a copy hereof be published once a week for four week's in The Lee County Republican, and that a copy be forthwith posted at the front door of the courthouse of this county.

A copy—Teste: J. A. G. HYATT, Clerk.

E. W. Pennington, p. q.

I, Geo. N. Blankenship, editor & publisher of the Lee County Republican, a newspaper published in the town of Jonesville, & County of Lee, do certify that the foregoing Order of Publication was duly published in the above named paper for four successive weeks, ending Oct. 12. 1889.

Geo. N. Blankenship,

Editor & Pub. Lee Co. Republican.

Sylvius J. Lockhart
}
} Printers
vs } Certificate
John Slagle et al

Printers Fee 5$